

*Kraus & Zuchlewski* LLP

February 28, 2022

**VIA ECF**

Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Ulrich v. O'Keefe*  
22 Civ. 170 (PKC)

Dear Judge Castel:

This firm represents the plaintiff in the above-referenced case. I write to respectfully request a two week enlargement of time of the date by which a joint letter describing this action must be submitted to the Court and of the Initial Pretrial Conference. Pursuant to the Initial Pretrial Conference Order in this case, dated January 12, 2022, that letter must be submitted to the Court by the close of business today.

We seek this enlargement of time because several key aspects of the case remain unresolved. In early January we sent the attorney who previously had identified himself as counsel for the defendant with the complaint and a request that he waive service in accordance with F.R.C.P. 26(f)(3). That attorney then contacted us to say that he does not in fact represent the defendant. Thereafter, we mailed the complaint and waiver of summons request to the defendant. The defendant has to date failed to respond, although the sixty period for him to do so has not yet expired.

Last Friday I was contacted by a Pennsylvania attorney who advised us that he represents the plaintiff. This lawyer is not admitted to practice in the Southern District of New York and did not indicate that he plans to seek *pro hac vice* admission or designate local counsel. He further informed me that he will not waive service of the summons.

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Accordingly, we will need to arrange for personal service on the defendant in Florida, where he resides. The issue of who represents the defendant will also need to be resolved; until it is, agreeing on and preparing a joint letter obviously is not possible.

Therefore, we request that the dates for submission to the Court of a joint letter and the Initial Pretrial Conference be postponed to March 14 and 21, respectively. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Geoffrey A. Mort". The signature is written in a cursive, flowing style.

Geoffrey A. Mort